



Federal Communications Commission  
Washington, D.C. 20554

May 28, 2013

DA 13-1218

Mr. Junan Gibson  
CNN America, Inc.  
One CNN Center  
Atlanta, GA 30303

Call Sign: E130019  
File No.: SES-LIC-20130122-00074

Dear Mr. Gibson:

On January 22, 2013, CNN America, Inc. (CNN) filed the above-captioned application for a new temporary-fixed earth station license to operate with "ALSAT" as the point of communication. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application as defective, without prejudice to re-filing.<sup>1</sup>

Section 25.112(a) of the Commission's rules requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules.<sup>2</sup> For the reason set forth below, we find the application of CNN unacceptable for filing.

In item E49 of Schedule B, CNN lists the value of 36.45 dBW/4kHz for emission 36M0G7W. Based on that information, we calculate the power density at the input of the antenna flange as -12.55 dBW/4kHz. That value exceeds the routine licensing limit of -14.0 dBW/4kHz that is established in Section 25.212(c) of the Commission's rules.<sup>3</sup> Because only earth stations that meet routine licensing criteria may be granted ALSAT as a point of communication,<sup>4</sup> CNN's application is internally inconsistent and does not substantially comply with the Commission's rules.

In addition, although not grounds for dismissal for a temporary-fixed earth station, we request that, as part of any re-filing, CNN provide data for items E51-E55, E57, E59, and E60 to reflect a minimum elevation of 5 degrees pursuant to Section 25.205 (a) of the Commission's rules.<sup>5</sup>

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<sup>1</sup> If CNN re-files an application in which the deficiencies identified in this letter have been corrected but otherwise identical to the one dismissed, it need not pay an application fee. *See* 47 C.F.R. § 1.1111(d).

<sup>2</sup> 47 C.F.R. § 25.112(a).

<sup>3</sup> 47 C.F.R. § 25.212(c).

<sup>4</sup> *See, e.g.* Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, *Order on Reconsideration*, 15 FCC Rcd 7207 (para. 13) (1999) (*DISCO II Order*) (re-iterating that routine earth stations in the C- and Ku-band – that is, earth stations that operate consistently with the technical requirements of Part 25 of the Commission's rules are typically licensed to communicate with all U.S. licensed satellites operating in these bands). *See also* Telesat Canada, Petition for Declaratory Ruling For Inclusion of ANIK F1 on the Permitted Space Station List, *Order*, 15 FCC Rcd 24828 (para. 15) (2000); Telesat Canada, Petition for Declaratory Ruling For Inclusion of ANIK F1 on the Permitted Space Station List, *Order*, 16 FCC Rcd 16365 (para.7) (2001).

<sup>5</sup> 47 C.F.R. §25.205(a).

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the application, without prejudice to re-filing.

Sincerely,

Paul E. Blais  
Chief, Systems Analysis Branch  
Satellite Division  
International Bureau